

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 488 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BALBHADRASINH J WAGHELA

Versus

STATE OF GUJARAT

Appearance:

M/S THAKKAR ASSOC. for Petitioner
MR. AG URAIZEE, LD. APP. for Respondent No. 1
MR. KB ANANDJIWALA, LD. ADVOCATE for other
respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 12/07/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. AG Uraizee,
LD. APP for respondent no.1 - State and Mr. KB
Anandjiwala, LD. Advocate for other respondents.

Having heard the learned advocates for the
parties and the learned A.P.P. for the State and having
regard to the report of the learned Sessions Judge,

Rajkot, the following order is passed with common consensus :-

1. The learned Additional Sessions Judge, Rajkot is directed to forward the case papers of Sessions Case No. 216 of 1994 pending in the Sessions Court, Rajkot, to the learned Sessions Judge, Amreli.
2. Learned Sessions Judge, Amreli will, on receipt of Case papers, fix a date for recording of evidence of witness Balbhadrasinh Waghela and Gambhirsinh M. Jadeja. Such evidence shall be recorded as expeditiously as possible.
3. After recording the evidence of the above two witnesses the case papers shall be returned to the Sessions Court, Rajkot.
4. On receipt of the case papers from the Sessions Court, Amreli, the learned Additional Sessions Judge, Rajkot, will take the evidence recorded by the Sessions Judge, Amreli on record of Sessions Case No. 216 of 1994 and will proceed with the trial of the said Sessions Case in accordance with law.

The learned Additional Sessions Judge, Rajkot will complete the trial as expeditiously as possible.

5. It has been submitted before this Court that accused Bhikha Amba Thumar is in the hospital and one of his leg is amputated and he is not in a position to attend the Court and another accused Babubhai Dhanjibhai, who is on temporary bail is suffering from kidney stone problem. It is therefore, submitted that both these accused persons be exempted from attending the Court of the learned Sessions Judge, Amreli. The request is granted. Both these accused persons shall be accordingly under such exemption before the learned Sessions Judge, Amreli.

Rule made absolute only to the aforesaid extend and in aforesaid terms. D.S.P. to either side.

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